

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 NOV -8 PM 5: 59

DEPUTY CLERK VLS

SEPTIMUS ANDERSON,

Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§
§
§
§
§
§
§
§
§
§

2:17-CV-57

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
DENYING PETITION FOR A WRIT OF HABEAS CORPUS, and
GRANTING A CERTIFICATE OF APPEALABILITY

Petitioner filed with this Court a petition for a federal writ of habeas corpus challenging a prison disciplinary ruling. On September 29, 2017, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant habeas application be denied, but further recommending that petitioner be granted a Certificate of Appealability. On October 27, 2017, both petitioner and respondent filed objections to the Magistrate Judge's Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by both petitioner and respondent to the Report and Recommendation. The objections filed by both parties are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is ADOPTED. Accordingly, the petition for a writ of habeas corpus is DENIED and a Certificate of Appealability is GRANTED for the

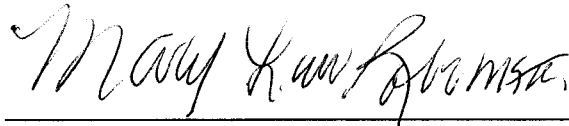
following issue:

Is the Due Process Clause of the United States Constitution implicated in a situation where an inmate has been approved for release to parole but a prison disciplinary proceeding results in a withdrawal of the parole release previously granted, and extends the imprisonment for one year?

A Certificate of Appealability is DENIED as to all other issues.

IT IS SO ORDERED.

ENTERED this 8 day of November, 2017.



MARY LOU ROBINSON
UNITED STATES SENIOR DISTRICT JUDGE